

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2193/OF1
2.	<b>Proposed Development:</b>	ERECTION OF A PREFABRICATED MODULAR SINGLE STOREY POD
3.	<b>Location:</b>	MORRISONS SUPERMARKET, FLATT WALKS, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to the car park serving the Morrisons supermarket, situated off Flatt Walks, Whitehaven. The location for development is situated at the far east of the car park, where there are parking spaces to the south, west and north and a wall with mature hedging flanking Flatt Walks to the east.</p> <p>The site is located within Flood Zone 2 and Whitehaven's Conservation Area.</p> <b>PROPOSAL</b>  <p>This application seeks planning permission for the erection of a single-storey pod within the existing</p>	

car park for Morrisons for use by WeBuyAnyCar.

The pod will be 3.2m x 4.8m giving a total floor area of 15.36sq. m. It will be a total of 2.8m in height and sit on jack pads above the existing car park surface.

The pod will be self sufficient with PV solar on the roof and heating generated by the combustion of HVO fuel.

Cars sold to WeBuyAnyCar will be delivered to the site, with a maximum of 10 being parked in the existing car park at any time. Cars will then be collected by a plate driver after a maximum of 72 hours.

This application has been submitted in tandem with an application for advertisement consent for the signage associated with the pod (application reference 4/22/2195/0A1 relates).

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no relevant previous applications on the site.

#### **CONSULTATION RESPONSES**

##### Whitehaven Town Council

No objections.

##### Flood and Coastal Defence Engineer

With regards to the site, this is in Flood Zones 2 and 3, so to comply with NPPF, should have a site specific Flood Risk Assessment.

However, flood risk is mentioned in the submission, confirming the flood risk and that there will be no increase in impermeable surface area and therefore no increase in runoff rates, which will therefore not increase flood risk elsewhere.

Flood risk to the pod itself is not mentioned but, based on the photo that is included in the Design and Access Statement, it is raised off the ground, so reducing flood risk.

Although the application is strictly not compliant with NPPF, I have no concerns and require no further information.

Cumbria County Highways and Local Lead Flood Authority

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and in particular, the location in the car park and the risk of displacement car parking on public highway conditions and pedestrian safety. I am aware that the proposed location in the car park is in one of the quieter areas for car and pedestrian traffic, being some way from the store entrance so there is unlikely to be any overflow or displaced parking.

Since the location is also a significant distance from the public highway, and the trip generation is insignificant to the supermarket traffic, it is not considered that this proposal will have a material impact on highway conditions. Since the car park is impermeable and this unit sits on top of the car park, there is no additional impermeable surface.

I can therefore confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Conservation Officer

- The proposed location makes no positive contribution to the character and appearance of the conservation area in and of itself, and is fairly well concealed from Flatt Walks by virtue of being at a lower level and behind planting.
- The car parking associated with the business will not have any impact on local character and appearance as it is already used for parking.
- However, the proposed pod will be widely visible across the unattractive and cluttered car park of Morrisons. In magnifying the negative aspects of local character and appearance, this proposal will fail to preserve or enhance the conservation area.
- This location is at one of Whitehaven's major gateways and is very busy. Even if the view from the road is only limited, the view from the wide area of the car park towards the grade II listed castle will be notably affected. This proposal therefore also fails to preserve the setting of a listed building by reducing the ability of its significance to be appreciated, namely, the view of its principal elevation.
- I would view this harm as less-than-substantial, and that the public benefit of the proposal could be otherwise secured with a higher quality proposal for the pod.
- I am therefore obliged to recommend refusing these two applications on the grounds that the design of the pod and its advertising scheme are poor, and the impact on both the conservation area and the setting of the Castle is harmful.
- I do not rule out the principle, however, and may be able to support a scheme with a more sensitively designed pod and associated advertising, were one to come forward.

- I would draw the designers' attention to the sections of our Conservation Area Design Guide that deal with signage and lettering (pp. 12, 14 & 15), colours (pp. 26-9), external equipment (p. 30), and lighting (p. 32).
- Additionally, our Shopfront Design Guide contains information that will be applicable to the design of a pod here.
- Both the Conservation Area Design Guide and the Shopfront Design Guide are supplementary planning documents.

#### Public Representation

The application has been advertised by way of a site notice and press notice.

No comments have been received as a result of these advertisements.

#### **PLANNING POLICIES**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

##### Core Strategy (CS)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM27 – Built Heritage and Archaeology

#### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

##### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no

objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Strategic Policy DS2PU: Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU: Settlement Hierarchy
- Strategic Policy DS4PU: Settlement Boundaries
- Strategic Policy DS8PU: Reducing Flood Risk
- Policy DS9PU: Sustainable Drainage
- Strategic Policy E1PU: Economic Growth
- Strategic Policy E2PU: Location of Employment
- Policy DS6PU: Design and Development Standards
- Strategic Policy BE1PU: Heritage Assets
- Policy BE2PU: Designated Heritage Assets

## **ASSESSMENT**

### Principle of Development

Policy ST2 of the CS and Policy DS3PU of the ELP define Whitehaven as Copeland's Principal Town, where the majority of development should be focused. Policies ER5 and ER6 of the CS and E1PU and E2PU of the ELP seek to ensure that employment is located within suitable locations, particularly Whitehaven.

The pod is to be located in the existing large car park, currently utilized by the Morrisons supermarket. The location lies within the town centre and comprises brownfield land. It is a suitable location for development in policy terms.

On this basis, the principle of the development is considered to be acceptable.

### Scale, Design and Siting

Policy DM10 of the CS and DS6PU of the ELP require good design and that development responds positively to the immediate and wider setting.

The pod is modest in scale and it will take up only a small part of the existing car park serving Morrisons. It is considered that the overall design is poor – with the use of the predominantly white base and colourful writing creating a very obvious feature within the car park. However, it is recognized that these are corporate colours, therefore no design changes were sought. The Agent

responded to concerns relating to the design concluding that the pod is no more intrusive than the other “clutter” within the car park, including a small greenhouse building and several trolley stores utilized by Morrisons.

Several locations for the placement of the pod were explored as part of the application, however it was concluded that the siting to the eastern boundary and behind the existing wall and established planting was the most suitable as it is screened from most public viewpoints. It is likely that the pod will only be viewed from within the car park and from some areas of Castle Meadows to the west.

Overall, whilst the design is considered to be poor, the proposed siting of the pod within the corner of the supermarket car park reduces its visual impact and it is likely to be viewed in context with the surrounding commercial structures and activities on the site.

#### Impacts on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP seek to ensure that any development protects, conserves and where possible, enhances the historic character of the Borough.

Copeland’s Conservation Officer responded to a consultation request objecting to the proposal stating that development will not respond positively to the Conservation Area and that views towards the Grade II Listed Whitehaven Castle would be adversely affected. This opinion is considered to be valid, however the harm is limited by the context of the proposed development. Due to the surrounding area and the proximity of the edge of the Conservation Area a few metres to the south of the site, it is considered that the harm is at the lower end of less than substantial harm. Whilst there are no heritage related public benefits to outweigh the impacts there are public benefits arising to the boost to the local economy.

On this basis, whilst there will be some harm created to the long views of the Conservation Area, this will be limited by the surrounding screening and the contextual location within a supermarket car park and therefore, it is concluded that the harm is not enough to warrant a refusal of the application on the basis of adverse impacts to the Conservation Area.

#### Impact on Parking Provision and Highway Safety

The pod will reduce the parking provision for the supermarket by 2 spaces, with a further 10 potentially being used for the storage of cars for up to 72 hours. As the car park is large, with a current total of 323 parking spaces and largely underutilized, it is unlikely that there will be a material effect on the current provision. It is, however, advised that a suitably worded planning condition is attached to any approval to ensure that no more than 10 parking spaces are used by WeBuyAnyCar, in order to ensure that there is sufficient provision retained for Morrisons.

	<p><u>Flooding and Flood Risk</u></p> <p>Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP seek to ensure that new development does not increase flood risk on site or within the surrounding area.</p> <p>The pod is to be sited on an impermeable surface within the car park which drains to a number of land drains. The pod will be supported above ground level and therefore is unlikely to increase flood risk within the area. No objections have been raised from statutory consultees with regards to drainage.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The site lies within a commercial car park relating to a supermarket within the settlement boundary of Whitehaven. Policies ST2, ER5 and ER6 of the CS encourage commercial uses within the settlement boundary of Whitehaven.</p> <p>Although the design of the pod is poor it is modest in scale and its visual impact will be limited by its location adjacent to an existing wall and mature hedgerow.</p> <p>The development will have an impact on the character and appearance of the Conservation Area although any harm is considered to be at the lower end of less than substantial. Whilst there are no heritage related public benefits to outweigh the impacts, that the public benefits arising to the boost to the local economy are sufficient in themselves to enable support.</p> <p>No additional risk of flooding is anticipated as the pod will be located on an existing area of hard surface within the car park.</p> <p>On balance, it is considered that the public benefits associated with the potential boost to the economy from the siting of this pod outweighs the adverse effects on the Conservation Area. It is considered to be appropriate to limit the consent to a temporary period of 3 years to reduce any long-term impacts on the Conservation Area.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. This permission will expire three years from the date of this decision. The WeBuyAnyCar pod must be removed from the site on or before this date and the land restored to its former condition.</li> </ol> <p>Reason</p>

	<p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality and protect the character and appearance of the Conservation Area and in accordance with Policies ST1. ENV4 and DM27 of the Copeland Local Plan.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Location Plan, scale 1:1250, drawing number 221_PL_01, received 28<sup>th</sup> April 2022;  Proposed Site Plan, scale 1:500, drawing number 221_PL_02, received 28<sup>th</sup> April 2022;  Proposed Off Grid POD floor plan and elevations, scale 1:50, drawing number WBACSOgV1, received 28<sup>th</sup> April 2022;  Design and Access Statement, written by Whittam/Cox Architects, dated 17<sup>th</sup> March 2022, received 28<sup>th</sup> April 2022;  Covering Letter, written by Peacock and Smith, dated 28<sup>th</sup> April 2022, received 28<sup>th</sup> April 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>4. No more than 10 car parking spaces within the supermarket car park may be utilised by WeBuyAnyCar at any one time.</p> <p>Reason</p> <p>To ensure that sufficient parking is available for all users in the supermarket car park and in accordance with Policy DM22 of the Copeland Local Plan.</p> <p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer: Sarah Papaleo</b>	<b>Date : 15/08/2022</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 17/08/2022</b>
<b>Dedicated responses to:-</b>	